S.B. Civil Revision Petition No.33/06
Anjani Kumar Khator Vs. The Bank of Raj. Ltd.

Date of Order : 20/07/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Anjani Kumar Khator, petitioner [himself]
Mr. Vijay Singh, for respondent-Bank

Instant revision petition has been filed by the defendant-petitioner against the order dated 28th January, 2006 whereby application filed by the respondent-plaintiff under O.9 R.9 CPC was accepted on payment of cost of Rs.300/- and the suit was restored by the learned trial Judge.

The suit filed by the respondent-plaintiff was dismissed in default on 12th September, 2002. For recalling of the said order, application has been filed under O.9 R.9 CPC giving reasonable and bonafide justification for which they could not appear on the date fixed in the matter.

After taking into consideration the material and so also objection raised by the defendant-petitioner learned Trial Judge recalled the order dated 12th September, 2002 on payment of cost of Rs.300/, I do not find any error committed by the learned trial Judge in passing the order impugned dated 28th January, 2006.

Consequently, the revision petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB